

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE A STAR GROUP, INC., :  
:  
Plaintiff, : 12-CV-08198 (PAC)  
:  
v. : 500 Pearl Street  
:  
MANITOBA HYDRO, et al., : New York, New York  
:  
Defendants. : February 28, 2013  
:  
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TRANSCRIPT OF CIVIL CAUSE FOR CONFERENCE  
BEFORE THE HONORABLE PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff: JAMIE B. W. STECHER, ESQ.  
JOEL A. KLARREICH, ESQ.  
MARYANN CONCETTINA STALLONE, ESQ.  
Tannenbaum Helpert Syracuse &  
Hirschritt, LLP  
900 Third Avenue  
New York, New York 10022

For the Defendants: GERALDINE ANN CHEVERKO, ESQ.  
Eckert, Seamans, Cherin &  
Mellott, LLC  
10 Bank Street  
White Plains, New York 10606

Court Transcriber: RUTH ANN HAGER, C.E.T.\*\*D-641  
TypeWrite Word Processing Service  
211 N. Milton Road  
Saratoga Springs, New York 12866

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1 THE CLERK: All counsel in the matter of The A Start  
2 Group v. Hydro, please step forward. Plaintiff in front of  
3 me; defendant at back table, please. Hearing is on The A Star  
4 Group, Inc. v. Manihoto Hydro, docket 12-CV --

5 THE COURT: Manitoba.

6 THE CLERK: Manitoba Hydro, *et al.*, docket number  
7 12-CV-08198.

8 Counsel for plaintiff, please state your appearance.

9 MR. SALTZMAN: Neil Saltzman for plaintiff The A  
10 Star Group. Good afternoon, Your Honor.

11 THE COURT: Good afternoon, Mr. Saltzman.

12 THE CLERK: For defendants?

13 MR. HEPWERTH: Michael Hepwerth from DLA Piper for  
14 defendant Manitoba Hydro.

15 THE COURT: Okay. Mr. HepwErth.

16 MR. LEE: Kenneth Lee from Levine Lee for Manitoba  
17 Public Utility [indiscernible], my colleague Miriam Alinikoff.

18 THE COURT: Okay. Ms. Alinikoff.

19 Mr. Lee, how are you?

20 MR. LEE: Okay.

21 MR. GOLDMAN: Daniel Goldman from Paul Hastings,  
22 representing KPMG US and KPMG Canada. And I have my colleague  
23 Kevin Broughel.

24 THE COURT: Okay.

25 MR. BROUGHEL: Good afternoon, Your Honor.

1 THE COURT: Good afternoon. You want to pull  
2 yourself up to the table?

3 MR. BROUGHEL: Sure.

4 THE COURT: I take it you're Ms. Kuburon [Ph.]?

5 MS. KUBURON: Yes.

6 THE COURT: Okay. All right. Mr. Saltzman, we'll  
7 take up your application first.

8 MR. SALTZMAN: Yes, Your Honor.

9 THE COURT: You want to be relieved?

10 MR. SALTZMAN: Yes, Your Honor.

11 THE COURT: Okay. Anybody have any objection?

12 UNKNOWN SPEAKER: Your Honor, two brief points. We  
13 have no objection to him withdrawing but it's a corporate  
14 plaintiff who needs --

15 THE COURT: Yeah, yeah.

16 UNKNOWN SPEAKER: And then we have our application.

17 THE COURT: Yeah, correct. So, Mr. Saltzman, you're  
18 relieved.

19 MR. SALTZMAN: Thank you, Your Honor.

20 THE COURT: Now, The A Star Group, Inc., which is --  
21 what is that, Ms. Kuburon?

22 MS. KUBURON: It's an S corporation.

23 THE COURT: Okay. Now -- here in New York?

24 MS. KUBURON: Correct, yes.

25 THE COURT: Okay. Now, because it's a corporation

1 it has to appear by a lawyer. Do you understand?

2 MS. KUBURON: Yes.

3 THE COURT: Okay. You going to get another lawyer?

4 MS. KUBURON: Yes. I have [indiscernible].

5 THE COURT: Okay. I'm going to dismiss the  
6 complaint *sua sponte*. Tell your lawyer that I'm not going to  
7 read a complaint that is so prolix. This complaint that has  
8 been filed, how many pages long -- 318 pages long containing  
9 at least 1,417 paragraphs including multiple subparagraphs --  
10 not including subparagraphs, the Federal Rules of Civil  
11 Procedure call for a short, concise pleading. It's plausible  
12 on its face. This complaint is too long, too prolix. Neither  
13 concise nor plausible, so I'm going to dismiss it *sua sponte*.  
14 This is without prejudice to its renewal by an attorney who  
15 will chop down and make this a complaint that is in compliance  
16 with the Federal Rules of Civil Procedure.

17 I'll give you 120 days, Ms. Kuburon, to get another  
18 lawyer in here to refile this complaint, but right now 12-CV-  
19 08198 is dismissed without prejudice to its renewal. If  
20 you're going to file another complaint it has to be by an  
21 attorney admitted to practice in the Southern District of New  
22 York. Anything else?

23 MS. KUBURON: Your Honor, would it be possible to  
24 amend the original complaint because I would use some statute  
25 of limitation -- I may use some statute of limitations for --

1           THE COURT: No. This -- the complaint is dismissed  
2 because it hasn't complied with the rules. It can be refiled.  
3 We'll take up the issue of whether or not the statute of  
4 limitations has been told when we get to the new complaint.  
5 At any rate, it's dismissed. An order will be entered to that  
6 effect.

7           Does anybody want to be heard on the defendant side?  
8 Okay. Thank you very much. Hundred and twenty days,  
9 Ms. Kuburon. You need a lawyer to file your lawsuit.

10           Goodbye, Mr. Saltzman.

11           MR. SALTZMAN: Thank you, Your Honor.

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1 I certify that the foregoing is a court transcript  
2 from an electronic sound recording of the proceedings in the  
3 above-entitled matter.

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Ruth Ann Hager, C.E.T.\*\*D-641

8 Dated: March 4, 2013  
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